

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1623-MWD-E TCEQ ID: RN102928041 CASE NO.: 34765
RESPONDENT NAME: City of Pharr

| | | |
|---|---|---|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input checked="" type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |

SITE WHERE VIOLATION(S) OCCURRED: City of Pharr Wastewater Treatment Plant, located adjacent to South "I" Road, approximately 1.9 miles south of the intersection of South "I" Road and U.S. Highway 83 Business, Hidalgo County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on February 4, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Andrew Hunt, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1203; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: The Honorable Leopoldo Palacios, Mayor, City of Pharr, P.O. Box 1729, Pharr, Texas 78577
 Mr. Fred Sandoval, City Manager, City of Pharr, P.O. Box 1729, Pharr, Texas 78577
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|---|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 20, 2007</p> <p>Date of NOV/NOE Relating to this Case: October 2, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limitations for ammonia nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010596001, Effluent Limitations and Monitoring Requirements No. 1].</p> | <p>Total Assessed: \$2,275</p> <p>Total Deferred: \$455 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,820</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:</p> <p>a. On or before April 4, 2007 repaired the oxidation ditch aerator motor; and</p> <p>b. During May 2007 achieved compliance with permitted effluent limitations.</p> |

Additional ID No(s): WQ0010596001, TX0062219



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision September 19, 2007

TCEQ

DATES Assigned 8-Oct-2007
 PCW 11-Oct-2007 Screening 11-Oct-2007 EPA Due 5-Dec-2007

RESPONDENT/FACILITY INFORMATION

Respondent City of Pharr
 Reg. Ent. Ref. No. RN102928041
 Facility/Site Region 15-Harlingen Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 34765 No. of Violations 1
 Docket No. 2007-1623-MWD-E Order Type 1660
 Media Program(s) Water Quality Enf. Coordinator Andrew Hunt
 Multi-Media EC's Team Enforcement Team 1
 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 16% Enhancement Subtotals 2, 3, & 7 \$400

Notes

The penalty is enhanced because the Respondent self-reported two months of effluent violations and received three NOVs with violations not same or similar to those cited in this action.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

Subtotal 5 \$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent returned to compliance during May 2007.

Total EB Amounts \$147
 Approx. Cost of Compliance \$8,451

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$2,275

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$2,275

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$2,275

DEFERRAL

20%

Reduction

Adjustment -\$455

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$1,820

Screening Date 11-Oct-2007

Docket No. 2007-1623-MWD-E

PCW

Respondent City of Pharr

Policy Revision 2 (September 2002)

Case ID No. 34765

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102928041

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|---|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 2 | 10% |
| | Other written NOVs | 3 | 6% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission. | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 0 | 0% |
| Please Enter Yes or No | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 16%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty is enhanced because the Respondent self-reported two months of effluent violations and received three NOVs with violations not same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 16%

| | |
|--|--|
| Screening Date 11-Oct-2007 Respondent City of Pharr Case ID No. 34765 Reg. Ent. Reference No. RN102928041 Media [Statute] Water Quality Enf. Coordinator Andrew Hunt Violation Number <input type="text" value="1"/> Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010596001, Effluent Limitations and Monitoring Requirements No. 1 Violation Description Failed to comply with the permitted effluent limitations, as shown in the attached violation table. | Docket No. 2007-1623-MWD-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision September 19, 2007</i> |
|--|--|

Base Penalty

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------|----------------------|----------------------|----------------------|---|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | x | |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="25%"/> |

>> Programmatic Matrix

| | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|--|
| | Falsification | Major | Moderate | Minor | |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="0%"/> |

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment

Violation Events

| | | |
|---|---------------------------------|--------------------------|
| Number of Violation Events <input type="text" value="1"/> | <input type="text" value="61"/> | Number of violation days |
|---|---------------------------------|--------------------------|

| | | | |
|--------------------------------|---|--|--|
| <i>mark only one with an x</i> | daily monthly quarterly semiannual annual single event | <input type="text"/> <input type="text"/> <input type="text" value="x"/> <input type="text"/> <input type="text"/> <input type="text"/> | |
|--------------------------------|---|--|--|

Violation Base Penalty

One quarterly event is recommended.

| | |
|--|--|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount <input type="text" value="\$147"/> | Violation Final Penalty Total <input type="text" value="\$2,275"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,275"/> | |

Economic Benefit Worksheet

Respondent City of Pharr
Case ID No. 34765
Reg. Ent. Reference No. RN102928041
Media Water Quality
Violation No. 1

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost No commas or \$ | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|------------------------------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|------------------------------|---------------|------------|-----|----------------|---------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|-------------|-----|-----|-------|-------|
| Equipment | \$8,451 | 1-Mar-2007 | 31-May-2007 | 0.2 | \$7 | \$140 | \$147 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated labor and equipment replacement/repair costs to the aerator. Date Required is first month of non-compliance. Final Date is date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,451

TOTAL

\$147

EFFLUENT VIOLATION TABLE

City of Pharr

TPDES Permit No. WQ0010596001

Docket No. 2007-1623-MWD-E

| Months | NH3-N daily avg. loading | NH3-N daily avg. conc. | NH3-N daily max. conc. |
|-----------|-----------------------------|---------------------------|---------------------------|
| | Limit = 125 lbs/day | Limit = 3 mg/L | Limit = 10 mg/L |
| 3/31/2007 | 159 | 6 | 14 |
| 4/30/2007 | 150 | c | 19 |

avg. = average

c = compliant

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per Liter

NH3-N = ammonia nitrogen

Compliance History

Customer/Respondent/Owner-Operator: CN600245898 City of Pharr Classification: AVERAGE Rating: 2.94

Regulated Entity: RN102928041 CITY OF PHARR WASTEWATER TREATMENT PLANT Classification: Average Site Rating: 0.27

ID Number(s): WASTEWATER PERMIT WQ0010596001
WASTEWATER EPA ID TX0062219
WASTEWATER PERMIT TPDES0062219
WASTEWATER PERMIT TX0062219
WASTEWATER LICENSING WQ0010596001
STORMWATER PERMIT TXR153756

Location: Located adjacent to South "I" Road, approximately 1.9 miles south of the intersection of South "I" Road and U.S. Highway 83 Business in Hidalgo County, Texas

Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 15 – HARLINGEN

Date Compliance History Prepared: October 08, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 08, 2002 to October 08, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrew Hunt Phone: 512-239-1203

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

| | | |
|----|------------|----------|
| 1 | 10/14/2002 | (191179) |
| 2 | 11/18/2002 | (191183) |
| 3 | 12/16/2002 | (191187) |
| 4 | 01/13/2003 | (191191) |
| 5 | 02/21/2003 | (191150) |
| 6 | 03/05/2003 | (21608) |
| 7 | 03/18/2003 | (191153) |
| 8 | 03/18/2003 | (309445) |
| 9 | 04/14/2003 | (191158) |
| 10 | 05/20/2003 | (191162) |
| 11 | 06/13/2003 | (191166) |
| 12 | 06/30/2003 | (191170) |
| 13 | 08/19/2003 | (309453) |
| 14 | 09/19/2003 | (309455) |
| 15 | 10/17/2003 | (309457) |
| 16 | 11/19/2003 | (309458) |
| 17 | 12/16/2003 | (309459) |
| 18 | 01/05/2004 | (309460) |
| 19 | 02/18/2004 | (309442) |
| 20 | 04/20/2004 | (309446) |
| 21 | 05/19/2004 | (309448) |
| 22 | 06/01/2004 | (272307) |
| 23 | 06/21/2004 | (309450) |
| 24 | 07/20/2004 | (357813) |
| 25 | 08/16/2004 | (357814) |
| 26 | 09/15/2004 | (357815) |
| 27 | 10/12/2004 | (357816) |
| 28 | 11/18/2004 | (357817) |
| 29 | 12/20/2004 | (384974) |
| 30 | 01/04/2005 | (384975) |

31 02/17/2005 (384973)
 32 03/21/2005 (422976)
 33 04/18/2005 (422977)
 34 05/13/2005 (422978)
 35 06/20/2005 (422979)
 36 06/28/2005 (395638)
 37 07/08/2005 (443863)
 38 08/22/2005 (443864)
 39 09/14/2005 (443865)
 40 10/18/2005 (474025)
 41 11/21/2005 (474026)
 42 12/27/2005 (474027)
 43 02/17/2006 (474023)
 44 03/01/2006 (474028)
 45 03/20/2006 (474024)
 46 04/21/2006 (501961)
 47 05/16/2006 (501962)
 48 06/21/2006 (501963)
 49 06/26/2006 (501964)
 50 08/17/2006 (531022)
 51 08/21/2006 (524236)
 52 09/18/2006 (549196)
 53 10/04/2006 (531023)
 54 10/11/2006 (524237)
 55 10/16/2006 (549199)
 56 11/15/2006 (549197)
 57 12/21/2006 (549198)
 58 01/22/2007 (549200)
 59 02/20/2007 (582852)
 60 03/14/2007 (582853)
 61 04/05/2007 (593291)
 62 04/20/2007 (582854)
 63 05/17/2007 (582855)
 64 06/15/2007 (582856)
 65 08/25/2007 (568310)
 66 10/03/2007 (595266)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

| | | | | |
|--------------|---|----------|-----------------|----------|
| Date: | 08/17/2006 | (531022) | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | | |
| Date: | 10/04/2006 | (531023) | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | | |
| Date: | 03/31/2007 | (582854) | | |
| Self Report? | YES | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] | | | |
| Description: | Failure to meet the limit for one or more permit parameter | | | |
| Date: | 04/05/2007 | (593291) | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | | |
| Date: | 04/30/2007 | (582855) | | |
| Self Report? | YES | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] | | | |

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF PHARR
RN102928041

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2007-1623-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Pharr ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment system located adjacent to South "I" Road, approximately 1.9 miles south of the intersection of South "I" Road and U.S. Highway 83 Business in Hidalgo County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about October 7, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Two Hundred Seventy-Five Dollars (\$2,275) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Eight Hundred Twenty Dollars (\$1,820) of the

administrative penalty and Four Hundred Fifty-Five Dollars (\$455) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. On or before April 4, 2007 repaired the oxidation ditch aerator motor; and
 - b. During May 2007 achieved compliance with permitted effluent limitations.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010596001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on September 20, 2007, and shown in the violation table below:

| EFFLUENT VIOLATION TABLE | | | |
|--|-----------------------------|---------------------------|---------------------------|
| City of Pharr TPDES Permit No. WQ0010596001 Docket No. 2007-1623-MWD-E | | | |
| Months | NH3-N daily avg. loading | NH3-N daily avg. conc. | NH3-N daily max. conc. |
| | Limit = 125 lbs/day | Limit = 3 mg/L | Limit = 10 mg/L |
| 3/31/2007 | 159 | 6 | 14 |
| 4/30/2007 | 150 | c | 19 |

avg. = average

c = compliant

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per Liter

NH3-N = ammonia nitrogen

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Pharr, Docket No. 2007-1623-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3087

2. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

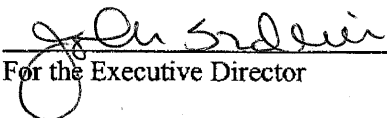
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

City of Pharr
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

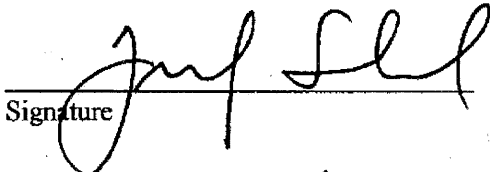
11/21/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11-27-07

Date

Fred Sandoval

Name (Printed or typed)
Authorized Representative of
City of Pharr

City Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

